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Attorney Docket No. 0923.003/31807

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

OFFICIAL

In the Application of:

de Boer, et al.

Serial No.: 08/070,158

Filed: May 28, 1993

For: "Anti-CD40 Monoclonal
Antibodies Capable of
Blocking B-Cell Activation"
(As Amended)

Group Art Unit: 1806

Examiner: Hutzell, P.

CERTIFICATE OF MAILING

I hereby certify that this paper is being
deposited with the United States Postal
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Hon. Commissioner of Patents and
Trademarks, Washington, D.C. 20231,
on this date:

1-20-95

Donald J. Pochapien

Donald J. Pochapien
Registration No. 32,167
Attorney for Applicant

**DECLARATION OF MARK DE BOER
UNDER 37 C.F.R. §1.132**

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Mark de Boer declare as follows:

- I. That I am a co-inventor of the above-identified application along with Leah B. Conroy.

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2. That I am a co-author of the publication, de Boer *et al.*, "Generation of Monoclonal Antibodies To Human Lymphocyte Cell Surface Antigens Using Insect Cell Expressing Recombinant Proteins," *J. of Immunological Methods*, 152 15-23 (1992) (hereinafter "the de Boer publication").
3. That the de Boer publication discloses the anti-CD40 monoclonal antibodies and hybridomas of the above identified patent application, including 5D12, 3C6, and 3A8.
4. That the de Boer publication lists as co-authors Leah Conroy, Hye Yeong Min and Jaap Kwekkeboom.
5. That the co-authors Hye Yeong Min and Jaap Kwekkeboom are not co-inventors of the subject matter disclosed in the above identified application, including the anti-CD40 monoclonal antibodies, such as 5D12, 3C6, and 3A8, or the hybridomas producing the same.
6. That Hye Yeong Min provided technical support but did not make an inventive contribution to the subject matter of the above identified application.
7. That Jaap Kwekkeboom provided technical support but did not make an inventive contribution to the subject matter of the above identified application.
8. That it is standard practice in the scientific community that publications, such as the de Boer publication, acknowledge the names of all persons who made technical contributions to the data presented.
9. That I am also a co-author of the publication, Kwekkeboom *et al.*, "CD40 Plays An Essential Role In The Activation Of Human B Cells By Murine EL4B5 Cells," *Immunology*, 79 439-444 (1993) (hereinafter "the Kwekkeboom publication.")
10. That the Kwekkeboom publication lists as my co-authors J. Kwekkeboom, J.M. Tager and C. de Groot, none of whom are named as co-inventors of the above-identified application.
11. That the Kwekkeboom publication at page 440, under the heading "Antibodies and hCD40.H_u fusion protein" cites to its reference "8," *i.e.*, the de Boer publication of paragraph 2 herein, as the source of the anti-CD40 monoclonal antibodies 5D12, 3C6, 3A8, that are used therein, stating:

Anti-CD40 mAb 5D12, 3C6, and 3A8 were generated by immunizing mice with insect cells expressing recombinant CD40⁸.

12. That my co-authors of the Kwekkeboom publication, *i.e.*, Kwekkeboom, Tager and de Groot, are not co-inventors of the anti-CD40 monoclonal antibodies of the present application, or the hybridomas producing these antibodies, or the methods of using these antibodies as disclosed in the specification of the above identified application.
13. That by citing to de Boer *et al.*, as reference "8" of Kwekkeboom, my co-authors on Kwekkeboom (*i.e.*, Kwekkeboom, Tager and de Groot) tacitly admit that they are not co-inventors of the anti-CD40 monoclonal antibodies of the present application or the hybridomas for producing these antibodies.
14. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.



Mark de BoerDated: January 14, 1995

COPY**PATENT**

Attorney Docket No. 0925.003/31807

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**Applicant:
deBoer *et al.*

Serial No.: 08/070,158

Filed: May 28, 1993

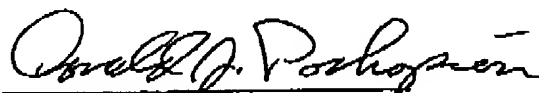
For: "Methods Of Blocking B-
Cell Activation Using Anti-
CD40 Monoclonal
Antibodies"

Group Art Unit: 1806

Examiner: Phillip Gambel, Ph.D.

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being
sent via facsimile to: Assistant
Commissioner of Patents, Washington, DC
20231, attention Examiner Phillip Gambel,
Ph.D. at 703-308-4242 on this date:

11-20-96

Donald J. Pochopien, Ph.D.

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Attorney for Applicant(s)

DECLARATION OF PAUL B. SAVEREIDE, Ph.D.Assistant Commissioner of Patents
Washington, DC 20231

Sir:

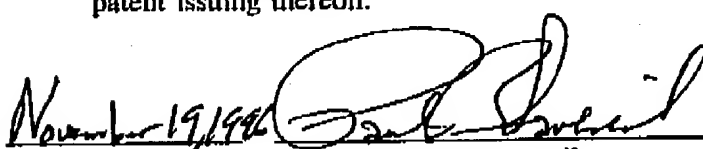
I, PAUL B. SAVEREIDE, declare that:

1. My title at Chiron Corporation is Assistant Secretary and Patent Counsel and in that capacity, I am authorized to act on behalf of Chiron Corporation in executing this document.
2. Chiron Corporation is an assignee of the above-identified patent application as reflected in an assignment recorded with the U.S. Patent and Trademark Office on January 26, 1995 at Reel 7329, Frames 0191-0195.
3. Hybridomas 5D12 and 3C6 were deposited with the American Type Culture collection, 12301 Parklawn Drive, Rockville, Maryland 20852, on May 6, 1993, and were given ATCC Accession Nos. HB 11339 and HB 11340, respectively.

Hybridoma 3A8 was deposited with the American Type Culture Collection, 12301 Parklawn Drive, Rockville, Maryland 20852, on January 30, 1996, and was given ATCC Accession No. HB 12024.

4. In accordance with the "Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure," and as per the attached contract with the ATCC, all restrictions on the availability of hybridomas 5D12 (ATCC No. HB 11339), 3C6 (ATCC No. HB 11340) and 3A8 (ATCC No. HB 12024) will be irrevocably removed and these hybridomas will be made permanently available to anyone requesting said hybridomas upon the allowance of the above-identified patent application and the issuance of the patent thereon.
5. If the hybridomas of paragraph 3 should die or be destroyed during the effective term of the deposit, they shall be replaced with cultures of the same.
6. The biological materials deposited as per paragraph 3 above are identical to the biological materials specifically identified in the specification as filed.
7. I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Dated: November 19, 1996


Paul B. Savereide, Ph.D.
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